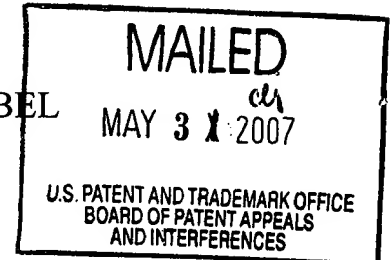


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MARK DERAUD and ADAM GAMBEL

Application 09/954,491



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (hereinafter the "Board") on May 14, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below.

INFORMATION DISCLOSURE STATEMENT

On December 6, 2004, Appellants filed an Information Disclosure Statement (IDS). It is not clear from the record whether the Examiner considered the IDS or whether the Examiner notified Appellants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Examiner's Answer

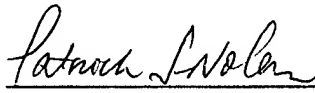
On January 22, 2007, the Examiner mailed an Examiner's Answer. On page 2, section (8) under the heading of "Evidence Relied Upon," the Examiner relies upon a reference entitled "Cooking A to Z, 449 (1997)." A review of the electronic record reveals that the Examiner has not scanned a legible copy of said reference in that much of the text has been cut off, thus, making it difficult to read.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to consider the IDS filed on December 6, 2004, written notification to Appellants of consideration, to obtain a readable copy of the reference entitled "Cooking A to Z," and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(571) 272-9797

PJN:clj

DERGOSITS & NOAH LLP
Suite 1150
Four Embarcadero Center
San Francisco, CA 94111